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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,674	09/09/2003	Mooi Choo Chuah	Chuah 73-19 (LCNT/125735)	2217

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EXAMINER	
HUYNH, CHUCK	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
01/26/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/658,674	CHUAH ET AL.	
	Examiner	Art Unit	
	CHUCK HUYNH	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 September 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In view of the Appeal Brief filed on 9/23/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2617

Response to Arguments

Applicant's arguments, see Appeal Brief, filed 9/23/2009, with respect to claims 1-7 have been fully considered and are persuasive. The finality of the claims has been withdrawn.

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Reference Gray is now combined and applied to the rejection shown below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi et al. (US 6,574,208; hereinafter Matturi) in view of Gray et al. (US 7295524)

Regarding claim 1, Matturi discloses a method for registering at least one wireless access point in a wireless area network (WAN), comprising:

broadcasting from a WAN gateway, a discovery message to said at least one wireless access point in said network WAN (base station controller, which acts a WAN gateway to the network, and the network element find and identify each other – Figure 5 – Abstract; Column 4, Lines 45-59; Column 6, Lines 37-67);

Matturi discloses all the particulars of the claim but is unclear about the limitations of

receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an wireless access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point; and

storing said wireless access point registration request information at said WLAN gateway.

However, Gray does disclose the limitations of receiving at said WAN gateway, from at least one wireless access point receiving said discovery message, an wireless

access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point (Col 5, Section II. Operation; lines 60 – 67; Col 7, lines 30-53: the management platform which is equivalent to the WAN gateway discovers and registers wireless access points and storing their information such as point location, IP address, MAC address, radio type, and power level information); and

storing said wireless access point registration request information at said WLAN gateway (store the information in the master table: Col 6, lines 30-53).

Matturi and Gray are analogous art for they both are wireless systems trying to establish connections within its network. Therefore, it would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Gray's capability of receiving and storing access points information during registration of wireless access points to Matturi's base station controller to collect information of available access points/base stations to allow network administrators to optimize the configuration of the wireless network environment for performance and security (Gray: Col 3, lines 27-30).

Regarding claim 2, as applied to claim 1 above, Matturi discloses that each wireless access point selects a random delay prior to sending said wireless access point registration request to said broadcasting WLAN gateway (read as each wireless access point communicates on a different time slot to prevent collision and each has a unique delay: Col 7, lines 22-48).

Regarding claim 3, Matturi discloses a method for registering a wireless access point in wireless area network (WAN), comprising:

broadcasting a gateway discovery query message from said wireless access point (wireless access point seeks out the base station controller acting as the WLAN gateway – Figure 6 – Column 6, Lines 63-67 and Column 7, Lines 1-6);

receiving from said at least one WAN gateway, a respective service discovery message (base station controller, which acts a WLAN gateway to the network, and the network element find and identify each other – Figure 5 – Abstract; Column 4, Lines 45-59; Column 6, Lines 37-67);

selecting by said wireless access point, an appropriate WAN gateway in an instance where more than one service discovery message is received; and sending an wireless access point registration response comprising wireless access point information to said selected WLAN gateway (WLAN gateway is selected and identification information about the wireless access point is communicated – Column 5, Lines 9-17; Column 7, Lines 21-48);

Matturi discloses all the particulars of the claim, but is unclear about the limitation of sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point to said selected WAN gateway.

However, Gray does disclose sending an access point registration request comprising access point location, IP address, MAC address, radio type, and power level

information of said wireless access point to said selected WAN gateway (Col 5, Section II. Operation; lines 60 – 67; Col 7, lines 30-53: the management platform which is equivalent to the WAN gateway discovers and registers wireless access points and inherently receiving from access point and storing information such as point location, IP address, MAC address, radio type, and power level information).

Matturi and Gray are analogous art for they both are wireless systems trying to establish connections within its network. Therefore, it would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Gray's capability of receiving and storing access points information during registration of wireless access points to Matturi's base station controller to collect information of available access points/base stations to allow network administrators to optimize the configuration of the wireless network environment for performance and security (Gray: Col 3, lines 27-30).

Regarding claim 4, as applied to claim 3 above, Matturi discloses that said selecting further comprises:

determining if said wireless access point is currently registered and sending said service discovery message to said wireless access point (Figure 5 – Abstract; Column 4, Lines 45-59; Column 6, Lines 37-67).

Regarding claim 5, Matturi discloses that said selecting comprises:

determining an appropriate WAN gateway using at least one of the following: a cost of using a WAN gateway, a load at a WAN gateway, and system features provided

by a WAN gateway (a system feature is read as establishing wireless communication to be connected to a network by identifying one another by means of communication control channel: Col 6, lines 63-66).

Regarding claim 6, Matturi discloses all the particulars of the claim but is unclear about the limitation of the method of claim 3, wherein said sending of an access point registration request further comprises sending security information in said access point registration request.

However, Gray does disclose the limitation of the method of claim 3, wherein said sending of an access point registration request further comprises sending security information in said access point registration request (security setting for an access point belonging to a group such as the Sales group: Col 7, lines 24-31; which was defined in the access point master table under group name: Col 6, lines 50-52).

Matturi and Gray are analogous art for they both are wireless systems trying to establish connections within its network. Therefore, it would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Gray's disclosure of security settings to provide users of the network improved security and privacy.

Regarding claim 7, Matturi discloses that said each wireless access point selects a random delay prior to sending said wireless access point registration request to said WLAN gateway (read as each wireless access point communicates on a different time slot to prevent collision: Col 7, lines 22-48).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUCK HUYNH whose telephone number is (571)272-7866. The examiner can normally be reached on M-F 1pm-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chuck Huynh/
Examiner, Art Unit 2617

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2617